

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CR-199-D  
No. 5:12-CV-778-D  
No. 5:19-CV-78-D

RONNIE D. RAINEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ORDER**

The court has reviewed the record. The court GRANTS the government's motion to dismiss [D.E. 236] for the reasons set forth in its memorandum [D.E. 237] and DISMISSES WITHOUT PREJUDICE petitioner's motion under 28 U.S.C. § 2255 [D.E. 225]. Because petitioner's section 2255 motion is "successive," and he has not received authorization for the Fourth Circuit to file it, the court lacks jurisdiction to consider it. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); cf. [D.E. 37, 39, 47, 48, 52, 53, 57, 61, 62, 69, 71, 76, 77, 82, 86, 88, 89, 91, 93, 95, 108, 116, 123, 131, 134, 141, 145, 150, 155, 160, 168, 184, 192, 198, 207, 218]. Alternatively, the claims fail for the reasons set forth in the government's memorandum. See [D.E. 237]. The court also DENIES a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 10 day of January 2021.

  
JAMES C. DEVER III  
United States District Judge